



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

30 APR 1998

REPLY TO
ATTENTION OF:


CECW-BA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Potentially Responsible Party (PRP) Contribution and Cost Recovery Initiatives Under the Formerly Utilized Sites Remedial Action Program (FUSRAP)

1. The preliminary evaluation of FUSRAP sites performed for the Corps Report to Congress on the program, confirmed that the government's remediation liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) is shared with other parties at a number of sites. As reflected in the report, the actions of these PRPs have, in certain instances, resulted in contamination of the site that will significantly increase the cost of site remediation.
2. The Corps is committed to seeking contribution or cost recovery from any viable PRP that may be legally liable. FUSRAP schedules, budgets, and staff resource planning shall incorporate provision for the special requirements associated with such actions. Moreover, consideration of possible PRP contribution or recovery opportunities shall be incorporated as a routine procedure in planning of project activities and schedules.
3. Existing schedules set by DOE prior to the program transfer do not include provision for PRP initiatives. However, USACE policy to pursue PRP initiatives where warranted requires that schedules be evaluated in light of PRP opportunities existing at a site and adjusted as appropriate. Initiating PRP actions late in the cleanup process increases the potential for the Government's cleanup contribution to exceed its fair share allocation for total site remediation costs and magnifies the complexity associated with resolving subsequent actions brought against these PRPs. The timing for pursuit of PRP initiatives at FUSRAP sites is a commander's decision that will depend upon the circumstances surrounding each particular case and should include consultation with counsel.
4. PRP cost and time considerations shall be reflected in FUSRAP cost estimates and schedules contained in the Verification of Cost to Complete Report due in May 1998.

FOR THE COMMANDER:


RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works

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